



THE CITY OF NEW YORK
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January 21, 2022

VIA ECF

Honorable Paul A. Engelmayer
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *M.K obo E.K. v. New York City of Department of Education, et al.*,
20-CV-4321 (PAE)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York, attorney for Defendants New York City Department of Education ("DOE"), New York City Board of Education, and Chancellor Meisha Porter in the above-referenced action.

I write jointly with Plaintiffs' counsel to respectfully request that the Court: (1) refer the case to the assigned Magistrate Judge for purposes of settlement; and (2) adjourn the case management conference scheduled for January 25, 2022 at 4:00 p.m.

As the Court is aware, this case got off track, for which the parties apologize. However, in mid-December 2021, Defendant provided to Plaintiffs the "service accounting" identifying the remaining hours of services left in the existing compensatory bank, which was a prerequisite step in being able to move forward with settlement. The parties are currently in active negotiations. We are very optimistic that we can creatively resolve the issues, or at least, significantly narrow the issues presented. Toward that end, the parties respectfully request that the Court refer the case to the assigned Magistrate Judge for purposes of settlement.

Defendant will also provide Plaintiffs with outstanding documents responsive to Plaintiffs' First Request for Production of Documents by Monday, January 24, 2022. Thereafter, Plaintiffs will provide Defendants with a draft stipulation language with the structure of a proposal to resolve the substantive issues in the case.

The parties are eager to try to pursue settlement and, as such, respectfully request that the Court grant a 30-day adjournment of the case management conference scheduled for January 25, 2022 at 4:00 p.m. This is the third request for an adjournment of the conference

The parties thank the Court for its consideration of the within.

Respectfully submitted,

s/

Philip S. Frank
Assistant Corporation Counsel

cc: All counsel (via ECF)

Granted. An order of reference to Magistrate Judge Gorenstein will issue separately. The case management conference that was scheduled for January 25, 2022 at 4 p.m. is adjourned until February 25, 2022 at 11 a.m. SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge
1/24/22